



San Bernardino Associated Governments
1170 W. 3rd Street, 2nd Floor, San Bernardino, CA 92410
Phone: (909) 884-8276 Fax: (909) 885-4407
Web: www.sanbag.ca.gov



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- San Bernardino County Transportation Commission •San Bernardino County Transportation Authority
•San Bernardino County Congestion Management Agency •Service Authority for Freeway Emergencies
-

AGENDA

Administrative Committee Meeting

June 9, 2010

Location

SANBAG
Super Chief Conference Room
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA

Administrative Committee Membership

Chair – SANBAG Vice President

Supervisor Brad Mitzelfelt
County of San Bernardino

SANBAG President

Mayor Paul Eaton
City of Montclair

SANBAG Past President

Supervisor Gary Ovitt
County of San Bernardino

Mt./Desert Representatives

Mayor Rick Roelle
Town of Apple Valley

Council Member Mike Leonard
City of Hesperia

Supervisor Neil Derry
County of San Bernardino

East Valley Representatives

Mayor Patricia Gilbreath
City of Redlands

Mayor Patrick Morris
City of San Bernardino

Supervisor Josie Gonzales
County of San Bernardino

West Valley Representatives

Mayor John Pomierski
City of Upland

Mayor Dennis Yates
City of Chino

Supervisor Paul Biane
County of San Bernardino

San Bernardino Associated Governments (SANBAG) is a council of governments formed in 1973 by joint powers agreement of the cities and the County of San Bernardino. SANBAG is governed by a Board of Directors consisting of a mayor or designated council member from each of the twenty-four cities in San Bernardino County and the five members of the San Bernardino County Board of Supervisors.

In addition to SANBAG, the composition of the SANBAG Board of Directors also serves as the governing board for several separate legal entities listed below:

***The San Bernardino County Transportation Commission**, which is responsible for short and long range transportation planning within San Bernardino County, including coordination and approval of all public mass transit service, approval of all capital development projects for public transit and highway projects, and determination of staging and scheduling of construction relative to all transportation improvement projects in the Transportation Improvement Program.*

***The San Bernardino County Transportation Authority**, which is responsible for administration of the voter-approved half-cent transportation transactions and use tax levied in the County of San Bernardino.*

***The Service Authority for Freeway Emergencies**, which is responsible for the administration and operation of a motorist aid system of call boxes on State freeways and highways within San Bernardino County.*

***The Congestion Management Agency**, which analyzes the performance level of the regional transportation system in a manner which ensures consideration of the impacts from new development and promotes air quality through implementation of strategies in the adopted air quality plans.*

*As a **Subregional Planning Agency**, SANBAG represents the San Bernardino County subregion and assists the Southern California Association of Governments in carrying out its functions as the metropolitan planning organization. SANBAG performs studies and develops consensus relative to regional growth forecasts, regional transportation plans, and mobile source components of the air quality plans.*

Items which appear on the monthly Board of Directors agenda are subjects of one or more of the listed legal authorities. For ease of understanding and timeliness, the agenda items for all of these entities are consolidated on one agenda. Documents contained in the agenda package are clearly marked with the appropriate legal entity.

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
Service Authority for Freeway Emergencies
County Congestion Management Agency**

AGENDA

Administrative Committee Meeting

June 9, 2010

9:00 a.m.

Location: SANBAG, Super Chief Conference Room, 1170 W. 3rd Street, 2nd Floor,
San Bernardino

CALL TO ORDER 9:00 a.m.
(Meeting Chaired by Brad Mitzelfelt)

- I. Attendance
- II. Announcements
- III. Agenda Notices/Modifications – Anna Aldana

Notes/Actions

1. Possible Conflict of Interest Issues for the Administrative Committee Meeting June 9, 2010. Pg. 5

Note agenda item contractors, subcontractors and agents which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

Consent Calendar

Consent Calendar items shall be adopted by a single vote unless removed by member request.

Administrative Matters

2. Attendance Register Pg. 6

A quorum shall consist of a majority of the membership of each SANBAG Policy Committee, except that all County Representatives shall be counted as one for the purpose of establishing a quorum.

3. May 2010 Procurement Report Pg. 8

Receive Monthly Procurement Report. **William Stawarski**

Discussion Items

Administrative

4. **County of San Bernardino Standard Contract to Provide Accounts Payable/General and Fund Accounting, Payroll and EMACS Services** Pg. 10

Approve Contract C10257 with the County of San Bernardino to provide payroll services and other requested accounting services through June 30, 2011. The services provided to SANBAG are to be billed through the County-Wide Cost Allocation Plan (COWCAP). **Bill Stawarski**

Transportation Programs & Fund Administration

5. **Measure I 2010-2040 Reserve Policy** Pg. 17

Approve Amendment to the Strategic Plan establishing policies for a Measure I reserve in the Valley, Victor Valley and Rural Mountain/Desert subareas, as identified in Attachments 1, 2, and 3. **Ty Schuiling**

6. **Allocation of Local Transportation Funds (LTF) and State Transit Assistance Funds (STA) for Fiscal Year 2010/2011** Pg. 34

Adopt Resolution 11-001 authorizing the allocation of Local Transportation Funds (LTF) and State Transit Assistance Funds (STA) for Fiscal Year 2010/2011. **Ryan Graham**

Comments from Committee Members

Public Comment

Adjourn To:

CLOSED SESSION

Conference with Labor Negotiator (Paul Eaton)
regarding public employee performance evaluation pursuant to
Government code Section 54957

Unrepresented Employee: Executive Director

Conference with Labor Negotiator (Paul Eaton)
pursuant to Government Code Section 54957.6
Unrepresented Employee: Executive Director

ADJOURNMENT

Additional Information

Acronym List

Pg. 38

Complete packages of the SANBAG agenda are available for public review at the SANBAG offices. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.

Adopted By SANBAG Board of Directors January 2008

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- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies
-

Minute Action

AGENDA ITEM: 1

Date: June 9, 2010

Subject: Information Relative to Possible Conflict of Interest

Recommendation*: Note agenda items and contractors/subcontractors which may require member abstentions due to possible conflicts of interest.

Background: In accordance with California Government Code 84308, members of the Board may not participate in any action concerning a contract where they have received a campaign contribution of more than \$250 in the prior twelve months from an entity or individual. This agenda contains recommendations for action relative to the following contractors:

Item No.	Contract No.	Contractor/Agents	Subcontractors
		NONE	

Financial Impact: This item has no direct impact on the budget.

Reviewed By: This item is prepared monthly for review by the Board of Directors and Policy Committee members.

*

Approved
Administrative Committee

Date: June 9, 2010

Moved: Second:

In Favor: Opposed: Abstained:

Witnessed: _____

ADMINISTRATIVE COMMITTEE ATTENDANCE RECORD – 2010

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Paul Biane Board of Supervisors	X			X	X							
Patrick Morris City of San Bernardino	X	X		X	X							
Mike Leonard City of Hesperia	X	X	X	X	X							
Patricia Gilbreath City of Redlands	X	X	X	X	X							
Paul Eaton City of Montclair	X	X	X		X							
Josie Gonzales Board of Supervisors	X	X		X	X							
Brad Mitzelfelt Board of Supervisors	X	X		X	X							
Gary Ovitt Board of Supervisors	X	X			X							
Dennis Yates City of Chino	X	X	X	X	X							
John Pomierski City of Upland	X	X	X	X	X							
Rick Roelle Town of Apple Valley	X	X	X	X								
Neil Derry Board of Supervisors	X			X	X							

X = Member attended meeting.

Empty box = Member did not attend meeting

Crossed out box = Not a member at the time.

ADMINISTRATIVE COMMITTEE ATTENDANCE RECORD – 2009

Name	Jan	Feb	March	April	May	June	July	Aug	Sept	Oct	Nov	*Dec
Paul Biane Board of Supervisors	X	X		X	X	X		X		X		
Patrick Morris City of San Bernardino	X	X	X	X	X	X	X	X		X	X	
Mike Leonard City of Hesperia	X	X		X	X	X	X	X		X	X	
Bea Cortes City of Grand Terrace	X											
Patricia Gilbreath City of Redlands		X	X	X	X	X	X	X		X	X	
Paul Eaton City of Montclair	X	X	X		X	X	X	X		X	X	
Josie Gonzales Board of Supervisors										X	X	
Brad Mitselfelt Board of Supervisors	X		X			X	X	X		X	X	
Gary Ovitt Board of Supervisors		X	X	X	X	X		X		X		
Dennis Yates City of Chino	X	X	X	X	X	X	X	X		X	X	
Gwenn Norton-Perry City of Chino Hills	X	X		X	X	X	X			X		
Rick Roelle Town of Apple Valley		X		X		X		X				
Neil Derry Board of Supervisors							X	X		X	X	

X = Member attended meeting.
Empty box = Member did not attend meeting
Crossed out box = Not a member at the time.

*The Administrative Committee did not meet in September and December

Minute Action

AGENDA ITEM: 3

Date: June 9, 2010

Subject: May 2010 Procurement Report

Recommendation:* Receive Monthly Procurement Report.

Background: The Board of Directors approved the Contracting and Procurement Policy (Policy No. 11000) on January 3, 1997. The Executive Director, or designee, is authorized to approve Purchase Orders up to an amount of \$50,000. All procurements for supplies and services approved by the Executive Director, or his designee, in excess of \$5,000 shall be routinely reported to the Administrative Committee and to the Board of Directors.

Attached are the purchase orders in excess of \$5,000 to be reported to the Administrative Committee for the months of May 2010.

Financial Impact: This item imposes no impact on the FY 2009/2010 Budget. Presentation of the monthly procurement report will demonstrate compliance with the Contracting and Procurement Policy (Policy No. 11000).

Reviewed By: This item is scheduled for review by the Administrative Committee on June 9, 2010.

Responsible Staff: William Stawarski, Chief Financial Officer

Approved
Administrative Committee

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

May 2010 Report of Purchase Orders

PO No.	PO Issue Date	Vendor	Purpose	Amount \$
RCMS #			EDEN	
EDEN #				
10210	03/15/10	CSU San Bernardino Foundation	2010 Inland Empire Survey Sponsorship	20,000.00
4000350				
10236	04/29/10	Elrod Fence Company	Ornamental Fence at State/University Grade Separation	8,820.00
4000353				
Total				\$28,820.00

Minute Action

AGENDA ITEM: 4

Date: June 9, 2010

Subject: County of San Bernardino Standard Contract to Provide Accounts Payable/General and Fund Accounting, Payroll and EMACS Services

Recommendation:* Approve Contract C10257 with the County of San Bernardino to provide payroll services and other requested accounting services through June 30, 2011. The services provided to SANBAG are to be billed through the County-Wide Cost Allocation Plan (COWCAP).

Background: The attached contract authorizes the County to provide SANBAG's accounts payable/general and fund accounting, payroll and EMACS services; ensures that SANBAG maintains a sufficient cash balance to fund the services and allows the County to bill SANBAG for any future system development projects requested.

Financial Impact: The estimated County-Wide Cost Allocation Plan for accounts payable/general fund accounting, payroll and EMACS services are included in the proposed 2010/2011 Indirect Cost Allocation Budget, Task No. ISF11.

Reviewed By: This item is scheduled for review by the Administrative Committee on June 9, 2010.

Responsible Staff: William Stawarski, Chief Financial Officer

Approved
Administrative Committee

Date: _____

Moved: *Second:*

In Favor: *Opposed:* *Abstained:*


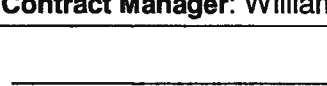

Witnessed: _____

SANBAG Contract No. C10257

by and between County of San Bernardino and San Bernardino Associated Governments
for Payroll Services and Other Requested Accounting Services

FOR ACCOUNTING PURPOSES ONLY																																									
X Payable <input type="checkbox"/> Receivable	Vendor Contract # _____ Vendor ID <u>SB CO</u>	Retention: <input type="checkbox"/> Yes _____ % X No	X Original <input type="checkbox"/> Amendment																																						
Notes: Estimated Amount based on 2010-11 County-Wide Cost Allocation Plan																																									
Original Contract: \$ <u>250,000</u>		Previous Amendments \$ _____ Previous Amendments Contingency / Allowance Total: \$ _____ Current Amendment: \$ _____ Current Amendment Contingency / Allowance: \$ _____																																							
Contingency / Allowance Amount \$ _____		Contract TOTAL ► \$ <u>250,000</u>																																							
<p>* Funding sources remain as stated on this document unless and until amended by proper authority. Funding sources are those which are ultimately responsible for the expenditure.</p> <p align="center">▼ Include funding allocation for the original contract or the amendment</p> <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Main Task/Project</th> <th style="width: 10%;">Level 1</th> <th style="width: 10%;">Level 2</th> <th style="width: 10%;">Cost Code/Object</th> <th style="width: 10%;">Grant ID/Supplement</th> <th style="width: 30%;">Funding Sources/Fund Type (Measure I, STP, CMAQ, etc.)</th> <th style="width: 10%;">Amounts for Contract Total or Current Amndmnt Amt</th> </tr> </thead> <tbody> <tr> <td><u>0101</u></td> <td><u>120</u></td> <td><u>000</u></td> <td><u>54650</u></td> <td><u>81001</u></td> <td><u>Admin - General</u></td> <td>\$ _____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>\$ _____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>\$ _____</td> </tr> <tr> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>_____</td> <td>\$ _____</td> </tr> </tbody> </table>							Main Task/Project	Level 1	Level 2	Cost Code/Object	Grant ID/Supplement	Funding Sources/Fund Type (Measure I, STP, CMAQ, etc.)	Amounts for Contract Total or Current Amndmnt Amt	<u>0101</u>	<u>120</u>	<u>000</u>	<u>54650</u>	<u>81001</u>	<u>Admin - General</u>	\$ _____	_____	_____	_____	_____	_____	_____	\$ _____	_____	_____	_____	_____	_____	_____	\$ _____	_____	_____	_____	_____	_____	_____	\$ _____
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_____	_____	_____	_____	_____	_____	\$ _____																																			
_____	_____	_____	_____	_____	_____	\$ _____																																			
Original Board Approved Contract Date: <u>7/7/10</u>				Contract Start: <u>7/1/10</u>		Contract End: <u>6/30/11</u>																																			
New Amend. Approval (Board) Date: _____				Amend. Start: _____		Amend. End: _____																																			
Allocate the Total Contract Amount or Current Amendment amount between Approved Budget Authority in the current year and Future Fiscal Year(s) Unbudgeted Obligation.																																									
Approved Budget Authority ►		Fiscal Year: _____ \$ _____		Future Fiscal Year(s) – Unbudgeted Obligation ►		\$ <u>250,000.00</u>																																			
<input type="checkbox"/> Budget authority for this contract currently exists in Task No. _____ (C-Task may be used here.). <input type="checkbox"/> A budget amendment is required. A Budget Amendment Request is attached.																																									

CONTRACT MANAGEMENT	
Check all applicable boxes:	
<input checked="" type="checkbox"/> Intergovernmental	<input type="checkbox"/> Private
<input type="checkbox"/> Disadvantaged Business Enterprise (DBE)	<input type="checkbox"/> Federal Funds
	<input type="checkbox"/> State/Local Funds
	<input type="checkbox"/> Underutilized DBE (UDBE)

Task Manager: William Stawarski		Contract Manager: William Stawarski	
 Task Manager Signature	<u>5/14/10</u> Date	 Contract Manager Signature	_____ Date
 Chief Financial Officer Signature	<u>5/14/10</u> Date		

ATTACHMENT A



County of San Bernardino

FAS

STANDARD CONTRACT

DRAFT

FOR COUNTY USE ONLY

<input type="checkbox"/> New	Vendor Code		SC	Dept.	A	Contract Number	
<input type="checkbox"/> Change							
<input type="checkbox"/> Cancel							
County Department			Dept.	Orgn.	Contractor's License No.		
Auditor-Controller/Recorder/Treasurer/Tax Collector			AAA	ATC			
Contract Representative			Telephone		Total Contract Amount		
			() -		\$		
<input type="checkbox"/> Revenue <input type="checkbox"/> Encumbered <input type="checkbox"/> Unencumbered <input type="checkbox"/> Other:			Contract Type				
If not encumbered or revenue contract type, provide reason:							
Commodity Code		Contract Start Date		Contract End Date		Original Amount	Amendment Amount
						\$	\$
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount	
						\$	
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount	
						\$	
Fund	Dept.	Organization	Appr.	Obj/Rev Source	GRC/PROJ/JOB No.	Amount	
						\$	
Project Name				Estimated Payment Total by Fiscal Year			
Payroll & Accounting Services				FY	Amount	I/D	
For							
Special Districts							

THIS CONTRACT is entered into in the State of California by and between the County of San Bernardino, hereinafter called the County, and

Name
San Bernardino Associated Governments hereinafter called District
 Address
1170 W. 3rd Street, 2nd Floor
San Bernardino, CA 92410
 Telephone (909) 884-8276 Federal ID No. or Social Security No. 33-0478781

IT IS HEREBY AGREED AS FOLLOWS:

(Use space below and additional bond sheets. Set forth service to be rendered, amount to be paid, manner of payment, time for performance or completion, determination of satisfactory performance and cause for termination, other terms and conditions, and attach plans, specifications, and addenda, if any.)

Auditor/Controller-Recorder Use Only

<input type="checkbox"/> Contract Database	<input type="checkbox"/> FAS
Input Date	Keyed By

1. INTRODUCTION

(District), the County of San Bernardino (County), and the County of San Bernardino Auditor-Controller/Recorder/Treasurer/Tax Collector (ATC) enter into this agreement seeking to formulate and maintain a cooperative working relationship in which County and ATC will provide accounting and payroll services to District.

2. TERM OF THIS AGREEMENT

The term of this agreement is from July 1, 2010 to June 30, 2011, and shall be automatically renewed for successive one-year periods unless otherwise amended or terminated.

3. AUDITOR-CONTROLLER/RECORDER/TREASURER/TAX COLLECTOR (ATC) RESPONSIBILITIES

A. Accounts Payable/General and Fund Accounting

ATC will provide the following services to District:

1. Permit District access to County's financial accounting system (FAS) and reports
2. Process FAS transactions for disbursements, reimbursements, deposits and adjustments to District's fund(s)

B. Payroll Services

ATC shall provide District with payroll services consistent with the level of services provided in the previous year. Services include:

1. Issuing standard EMACS reports
2. Tax reporting and accounting services as prescribed by the IRS, State Franchise Tax Board, and State Employment Development Department
3. Payroll direct deposits
4. Labor distribution based on input from the District
5. Central files/document/records retention
6. Verification of data integrity and signature authorization, error corrections, reports, and other processes normally associated with these services. The phrase "data integrity" means that documents include all the data needed to post and that all system codes are complete and valid

C. EMACS Services

EMACS shall provide to District technical and functional support services ("services") necessary to implement pay and/or benefit changes, subject to and conditioned upon the following provisions and limitations:

1. Services shall be provided at the direction of the EMACS Steering Committee, consisting of the Auditor-Controller/Recorder/Treasurer/Tax Collector, Human Resources Director, and Information Services Department Chief Information Officer.
2. Requests for services must be made directly to the EMACS Manager, and received in a timely manner, as provided by the EMACS Steering Committee, in order to be considered for processing.
3. Upon receipt of a request from District for said services, the EMACS team shall review the request, and shall report to District regarding the ability of EMACS to accomplish the requested change, and the estimated cost of services.
4. If the EMACS team concludes that the requested change cannot be accomplished because it goes beyond the ability of EMACS to accommodate the desired change, EMACS will notify District and shall have no obligation to pursue the change.
5. If the EMACS team concludes that the requested change cannot be accomplished because inadequate lead time exists to effect the change within the specified time frame, EMACS shall have no obligation to pursue the

Auditor/Controller-Recorder Use Only

<input type="checkbox"/> Contract Database	<input type="checkbox"/> FAS
Input Date	Keyed By

change. If District and EMACS team can agree on a time frame that can be met and will accomplish District's desired interests, then EMACS will effect the change.

6. Services provided by the EMACS team to District pursuant to this provision shall be charged on an actual cost basis (actual hours worked at the current Fee Ordinance hourly rate), and District agrees to pay the costs of each change so requested.
7. If, during any system upgrade, additional EMACS team work is required to maintain or modify any change made for District pursuant to this provision, then District shall pay for that additional work on the same basis on which the original change was accomplished.
8. Any additional programming services for changes not included in the services provided by the EMACS team will be billed separately by the Information Services Department.

D. Additional Accounting and Auditing Services

Any accounting and auditing services not addressed in this contract will be performed only upon request and will be charged to District at the rate contained in the current Fee Ordinance on file with Clerk of the Board. Unless otherwise stated in this agreement, the costs for these services will be based on actual hours worked at the rates contained in the Fee Ordinance. Any additional services requested by District will be billed directly by ATC.

E. Exclusions

Notwithstanding the previous paragraphs, pursuant to District direction and as a consequence of District transferring accounting information from the County's financial accounting system, District and ATC agree that the following services are not included in this agreement:

1. Reviewing, auditing and/or processing:
 - a) Cash difference replenishments and petty cash replenishments
 - b) Travel expenditure reimbursement claims and other claims for payment
 - c) Payments for memberships and registrations
2. Providing and maintaining ATC VISA cards
3. Issuing County fixed asset tags and related fixed asset reporting
4. Detecting and investigating fraud and/or cash losses
5. Developing personnel billing rates/indirect cost rate proposals (ICRPs)
6. Audited financial statements. District acknowledges that as a separate legal entity from County, District is not included within the audited financial statements of County.

F. Authority

The Auditor-Controller/Recorder/Treasurer/Tax Collector of San Bernardino County shall have the right to exercise the County's authority under this contract including the right to give notice of termination on behalf of the County at his sole discretion.

4. DISTRICT RESPONSIBILITIES

A. Cash and Investments

1. Depository

District agrees to ensure that it shall maintain its payroll fund so that the fund has a positive balance at all times.

Auditor/Controller-Recorder Use Only

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2. Cash Deficit

District agrees that any cash deficit in said fund resulting from the provision of services under this contract and its predecessor agreements shall be charged interest at the rate of 10%.

District agrees that any cash deficit may be cause for termination of this agreement, including cessation of County payroll and accounting services to District, and termination of the District's voluntary depositor status in the County Treasury Pool. County shall give 90 days advance notice of termination. If a cash deficit occurs, District agrees to deposit sufficient funds in its account within 72 hours of receipt of written notice (email) from the County. Once the 90 days notice of termination has been issued, County will require a sufficient balance in the District's fund two working days prior to the Friday confirmation of payroll preceding a scheduled pay day. County will not be required to process the District's payroll unless sufficient funds are on deposit in the County Treasury Pool.

B. Employer Identification Numbers

1. District is required to provide its Federal Employer Identification Number (FEIN) and State Employer Identification Numbers (SEIN) to the ATC for reporting social security, Medicare, unemployment insurance, employment training, State Disability Insurance, and personal income tax withholding.
2. District is required to complete Internal Revenue Services Form 2678 appointing County as its tax reporting, depositing, and paying agent.

C. Audited Financial Statements

District is required to provide ATC annually with its audited financial statements within twelve months of the fiscal year under examination in accordance with Government Code 26909(2).

C. Funding

1. District agrees to fully fund its account in the County Treasury Pool for the payment of all payroll salary and benefit costs for District employees.
2. District understands and agrees that County is under no obligation to process its payroll if District has insufficient cash in County Treasury Pool to cover its payroll costs. If insufficient funds are on deposit in District's account to fully fund payroll for all District employees, County reserves the right to pay only those employees for which there are sufficient funds available, beginning with the lowest paid employees.
3. At ATC's discretion, other disbursement services may be interrupted or suspended if District's funds in the County Treasury Pool are insufficient. District assumes all liability for interrupted disbursement services if inadequate deposits are available.
4. District shall maintain 110% of the previous fiscal year's service cost billing on deposit in the County Treasury Pool. The deposit represents an estimate of the current cost of services plus 10 percent that can be transferred to the County for the cost of services provided under this contract on order of the Board of Supervisors or their designee, without formality of a claim and warrant.

D. Cost of Services

1. District will reimburse ATC annually for Accounts Payable/General/Fund Accounting and Payroll services provided. Rates per unit of service will be adjusted annually to the County's State of California approved County-Wide Cost Allocation Plan (COWCAP). Charges will be based on the COWCAP rate per 1) accounts payable transaction line, 2) payroll direct deposit; and 3) general accounting transaction line. Charge to load District's annual budget to FAS will be based on actual hours worked at the current Fee Ordinance hourly rate.

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2. District shall reimburse ATC separately for any requested EMACS services or additional requested accounting and/or auditing services on an actual cost basis (actual hours worked at the current Fee Ordinance hourly rate), or in accordance with separate County agreement (if applicable).

E. Indemnification

The District agrees to indemnify, defend (with counsel reasonably approved by County) and hold harmless the County and its authorized officers, employees, agents and volunteers from any and all claims, actions, losses, damages, and/or liability arising out of this contract from any cause whatsoever, including the acts, errors or omissions of any person and for any costs or expenses incurred by the County on account of any claim except where such indemnification is prohibited by law. This indemnification provision shall apply regardless of the existence or degree of fault of indemnities. The District's indemnification obligation applies to the County's "active" as well as "passive" negligence but does not apply to the County's "sole negligence" or "willful misconduct" within the meaning of Civil Code Section 2782.

5. TERMINATION OF SERVICES

A. Termination by ATC

ATC may give written notice to District that ATC will no longer provide a specific service. District acknowledges that causes for termination include, but are not limited to, cash deficits, noncompliance with Government Code section 26909 (2), and delinquent payments of District obligations to County. ATC shall cooperate with District to ensure that a vital service provided by ATC is available from an alternate source before services are terminated. The notice shall be given at least 90 days prior to service termination. If ATC gives District written notice of service termination, in no event will ATC process District's payroll unless sufficient funds are on deposit in the County Treasury Pool during the 90 days prior to termination. Termination of services resulting from cash deficits may also require the District to withdraw all funds from the County Treasury Pool, unless required by statute.

B. Termination by District

District may give notice to ATC that District will no longer use a specific ATC service. The notice shall be given at least 90 days prior to service termination.

In witness whereof, the parties hereto have caused this agreement to be executed by their duly authorized officers.

COUNTY OF SAN BERNARDINO
AUDITOR-CONTROLLER/RECORDER/
TREASURER/TAX COLLECTOR

► _____
Larry Walker, for County of San Bernardino

Dated: _____

► _____
Larry Walker, Auditor-Controller/Recorder/Treasurer/Tax Collector

Dated: _____

San Bernardino Associated Governments
(Print or type name of district)

By ► _____
(Authorized signature - sign in blue ink)

Name Brad Mitzelfelt
(Print or type name of person signing contract)

Title SANBAG President
(Print or Type)

Dated: _____

Auditor/Controller-Recorder Use Only

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Minute Action

AGENDA ITEM: 5

Date: June 9, 2010

Subject: Measure I 2010-2040 Reserve Policy

Recommendation: Approve Amendment to the Strategic Plan establishing policies for a Measure I reserve in the Valley, Victor Valley and Rural Mountain/Desert subareas, as identified in Attachments 1, 2, and 3.

Background: On March 3, 2010 the SANBAG Board approved the Fiscal Year 2010/2011 Measure I Apportionment and Allocation. Part of the recommendation approved was direction to staff to develop a policy that establishes and maintains a 20% cash reserve for Measure I 2010-2040, with the exception of the Local Street and Senior and Disabled Transit Programs for the Valley and Victor Valley subareas. The recommendation of this item would extend the reserve to the Rural Mountain/Desert subareas as well.

The recommended 20% reserve provides working capital to cover delays in reimbursement from state/federal sources, ensures funds are available for timely reimbursement of local jurisdiction projects, and provides flexibility to respond to unforeseen funding opportunities as they arise.

Consistent with the direction given to staff at the March Board Meeting, staff has developed a series of policies to be amended into the Measure I Strategic Plan for the establishment and maintenance of a Measure I reserve. The amended

*Approved
Administrative Committee*

Date: _____

Moved:

Second:

In Favor:

Opposed:

Abstained:

Witnessed: _____

ADM1006a-rpg

Attachments: ADM1006a1-rpg; ADM1006a2-rpg; ADM1006a3-rpg

Strategic Plan policies 40001, 40013 and 40017 are included as attachments to this item. See the additional section of each policy entitled "Measure I Reserve."

Financial Impact: This item has no direct financial impact to the current adopted Budget, TN 50410000 Measure I Admin-Valley and TN 50510000 Measure I Admin-Mt./Desert. The actual amount of Measure I revenue held in reserve is determined annually through the Measure I Apportionment and Allocation and Budget processes.

Reviewed By: This item is scheduled for review by the Administrative Committee on June 9, 2010.

Responsible Staff: Ty Schuiling, Director of Planning
William Stawarski, Chief Financial Officer

Attachment 1

San Bernardino Associated Governments	Policy	40001
Adopted by the Board of Directors April 1, 2009	Revised	DRAFT 7/7/2010 4/1/2009
San Bernardino Valley Subarea (VS) Measure I 2010-2040 Strategic Plan	Revision No.	1 0

Table of Contents

| Purpose | References | Definitions | Policies for the San Bernardino Valley Subarea | Revision History |

I. PURPOSE

The purpose of this policy is to establish the requirements for overall administration of the programs included in the San Bernardino Valley Expenditure Plan as part of Measure I 2010-2040. The Valley Subarea policies establish the process for identification of need, fund apportionment, fund allocation, and expenditure requirements for all programs in the Valley, including Freeway, Freeway Interchange, Major Street, Local Street, Metrolink/Rail, Express Bus/Bus Rapid Transit, Senior and Disabled Transit, and Traffic Management Systems. This policy also provides direction on the use of State and federal funds in the San Bernardino Valley Subarea, as well as the provisions governing cost-buy down for projects with a development share contribution.

II. REFERENCES

Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Exhibit A – Transportation Expenditure Plan

III. DEFINITIONS

Apportionment: An action by the SANBAG Board of Directors to assign specific amounts of Measure I 2010-2040 fund to Measure I programs for a given fiscal year. The apportionment decision is made annually by the Board of Directors by February of each year.

Allocation: An action by the SANBAG Board of Directors to assign a specific amount of Measure I funds from a Measure I program to a project. The allocation decision is made annually by the Board of Directors by March of each year.

Capital Project Needs Analysis (CPNA): A five-year plan of capital project needs for each program included in the San Bernardino Valley Expenditure Plan. The CPNA includes estimates of project costs to be incurred by funding type, fiscal year, and phase for the five year period following the beginning of the subsequent State fiscal year.

Jurisdiction Master Agreement: An agreement between SANBAG and a local jurisdiction documenting the allocation of Measure I 2010-2040 funds to the jurisdiction under the Arterial Sub-program of the Major Street Program in the Valley Subarea for the specified fiscal year.

Project Funding Agreement: An agreement between SANBAG and a local jurisdiction documenting the allocation of Measure I 2010-2040 funds to the jurisdiction for a project under the Valley Freeway Interchange Program or the Rail-Highway Grade Separation Sub-program of the Major Street Program and specifies the conditions of performance by SANBAG and the local jurisdiction associated with that project.

IV. POLICIES FOR THE SAN BERNARDINO VALLEY SUBAREA

A. Program Equity

Policy VS-1: SANBAG shall ensure that all San Bernardino Valley Programs receive their percentage allocation of Measure I revenue in accordance with the Measure I 2010-2040 Expenditure Plan. The calculation of percentage allocation shall include adjustments for the time-value of money based on time of apportionment of Measure I funds in all programs, as specified in Policy VS-3.

Policy VS-2: The SANBAG Board of Directors shall have full discretion over the apportionment of Measure I 2010-2040 revenue between Valley Programs on an annual basis, subject to Policy VS-1.

Policy VS-3: Adjustments for the time-value of money referenced in Policy VS-1 shall be based on comparisons of the net present value of apportionments by Valley program calculated using a discount rate based on the annual change in the Consumer Price Index for Southern California, as maintained by the California Department of Finance.

B. Identification of Needs

Policy VS-4: SANBAG staff and local jurisdictions shall submit a five-year Capital Project Needs Analysis (CPNA) for all programs included in the Valley Expenditure Plan by September 30 of each year. Responsibility for preparation of the CPNAs for specific programs are established in Policies VS-5 and VS-6.

Policy VS-5: SANBAG staff shall be responsible for preparation of the CPNAs for the Valley Freeway, Metrolink/Rail, Express Bus/Bus Rapid Transit, Senior Disabled Transit and Traffic Management Systems Programs.

Policy VS-6: Local jurisdictions shall be responsible for preparation of the CPNAs for the Valley Freeway Interchange and Major Streets Programs, except that SANBAG staff may prepare CPNAs for interchange projects required to enable construction of a freeway mainline project. All CPNAs submitted by local jurisdictions shall be approved by the City Council/Board of Supervisors and shall be coordinated with the Five Year Capital Improvement Plan required as part of the Valley Local Streets Program policies (see Policy 40003)

Policy VS-7: All CPNAs shall identify the requested amount of Measure I and any additional federal, State, or private funding by phase and year for the five year period following the beginning of the subsequent State fiscal year.

C. Cash-Flow Analysis

Policy VS-8: SANBAG staff shall prepare an estimate of projected Measure I, State, federal and private funding for the subsequent fiscal year by September 30 of each year.

Policy VS-9: SANBAG staff shall prepare a cash flow analysis of all Measure I 2010-2040 Valley Programs based on information submitted by local jurisdictions, the funding needs of the SANBAG administered programs, and the assessment of Measure I, State, federal and private funding.

Policy VS-10: At a minimum, the Cash Flow Analysis shall include the following considerations:

- All Measure I 2010-2040 San Bernardino Valley program needs identified in CPNAs
- Needs pursuant to Project Advancement and Advance Expenditure Agreements
- Needs related to Bond or other debt repayment
- Revenue committed to projects or programs in previous cycles
- Ability to leverage additional State, federal and private funding sources.

Policy VS-11: The Cash Flow Analysis shall be completed for presentation to SANBAG policy committees by January each year.

Policy VS-12: The Cash Flow Analysis shall provide input to any SANBAG agency bonding decisions.

D. Fund Apportionment

Policy VS-13: The SANBAG Board of Directors shall use the Cash Flow Analysis as a basis for apportioning funds among the Measure I Valley Programs.

Policy VS-14: The SANBAG Board of Directors shall apportion funds by its February meeting, so that budget documents can be prepared for the subsequent fiscal year.

E. Fund Allocation

Policy VS-15: The SANBAG Board shall approve an allocation of funding to specific San Bernardino Valley Measure I projects by March of each year. The fund allocation shall include a list of projects and funding amounts.

Policy VS-16: The fund allocation approved by the Board, as stated in Policy VS-15, shall constitute the agency's annual project delivery plan.

F. Fund Expenditure

Policy VS-17: SANBAG administered projects may begin expenditure of funds following the standard approvals by the SANBAG Board of Directors.

Policy VS-18: A local jurisdiction may begin expenditure of funds following the execution of a Project Funding Agreement or a Jurisdiction Master Agreement by both SANBAG and the jurisdiction, as appropriate to the project type and pursuant to Policies 40005 and 40006.

Policy VS-19: The Project Funding Agreement shall be based on the SANBAG Board-approved fund allocation and shall document the scope of the project, its cost, and the terms by which reimbursement shall occur.

Policy VS-20: The Jurisdiction Master Agreement shall be based on the SANBAG Board-approved allocation of funds to projects in the Arterial Sub-program (see Policy VS-15) of the Major Streets Program, and shall document the scopes of the projects, their costs, and the terms by which reimbursement shall occur. One Jurisdiction Master Agreement may include multiple projects in the Arterial Sub-program.

G. Use of State and Federal Funds for Measure I 2010-2040 Projects - General

Policy VS-21: The SANBAG Board shall assure reasonable equity in the shares of projected State and federal transportation funds allocated and expended within geographic areas of the county, subject to the eligibility of funds for the specified programs within those geographic areas.

Policy VS-22: The SANBAG Board of Directors has discretion to program State and federal funds to projects based on needs and priorities that exist at the time the decisions are made, subject to the eligibility of projects for each funding source and approvals by appropriate State and federal authorities.

Policy VS-23: SANBAG shall implement strategies that maximize the use of State and federal funds when projects are planned and delivered. This may include borrowing against future revenues streams, such as with Grant Anticipation Revenue Vehicles (GARVEE bonds) for federal funds.

Policy VS-24: SANBAG will aggressively advocate for its share of State and federal dollars to deliver Measure I projects.

H. Use of State and Federal Funds for Measure I 2010-2040 Projects – Specific Sources

Policy VS-25: CMAQ funds (or funds in any successor program to CMAQ) necessary to continue previously approved regional programs, including Freeway Service Patrol(FSP), rideshare activities, and Valley-wide Signal Synchronization shall be set aside for those purposes.

Policy VS-26: CMAQ funds (or funds in any successor program to CMAQ) shall be considered as a significant source to fund transit capital projects and start-up operating expenses in accordance with CMAQ criteria. Allocation of CMAQ funding to transit capital projects is to be made by SANBAG in a manner consistent with plans developed by the transit operators and approved by the SANBAG Board of Directors.

Policy VS-27: Remaining CMAQ funds may be allocated to High Occupancy Vehicle facility components of the Valley Freeway projects listed in the Measure I Expenditure Plan, subject to eligibility criteria.

Policy VS-28: All of the STP funds apportioned to the urbanized areas of the San Bernardino Valley shall be allocated to the Valley Freeway Program projects listed in the Measure I Expenditure Plan.

Policy VS-29: SANBAG shall work closely with Caltrans to identify projects that are eligible to receive State Inter-regional Improvement Program (IIP) funds to assist in timely delivery of those projects. This may include projects within as well as outside urbanized areas.

I. Cost Buy-down for Projects with a Development Share Contribution

Policy VS-30: State, federal, or private funds may be used to buy down either the total cost of a project, the public share of the project cost, or the development share of the project cost based on the following criteria:

1. Funds that buy down the total cost of the project (after which the development fair share percentage is applied) include State grants and Federal Congressional earmarks (through appropriations process, competition, etc.) from transportation sources that are not allocated or approved by SANBAG (e.g., IM, Demo, TEA (Caltrans allocation), TCRP with local agency listed as lead, PUC, HBRR, and railroad contributions).
2. Funds considered part of the public share of the project cost include apportionments or allocations of State or federal transportation funds to SANBAG for funding of projects, whether managed by SANBAG or local agency (e.g., TCRP and PNRS for Alameda Corridor East, CMIA, TCIF, SLPP), and State allocation and Federal apportionment by SANBAG (e.g., STIP, CMAQ, STP, TEA (SANBAG Allocation), TDA).
3. Funds that buy down the development share of the project cost include other state or federal appropriations of funding to a project from a non-transportation source (e.g., HUD, BIA, DOD).

J. Measure I Reserve

Policy VS-31: SANBAG shall budget for a reserve for the Valley subarea equivalent to 20% of the annual Measure I revenue from the following programs: Freeway, Freeway Interchange, Major Street, Traffic Management Systems, Metrolink/Rail, and Express Bus/BRT programs.

Policy VS-32: The 20% reserve shall be established with the first year of Measure I 2010-2040 apportionment, and escalated annually to remain proportional to the growth in annual Measure I revenue.

Policy VS-33: The reserve may be used to:

- Advance federal or state funds that require reimbursement.
- Manage cash flow for non pass-through programs.
- Cover cost overruns for SANBAG projects or to cover unforeseen expenses associated with projects that received an allocation of Measure I 2010-2040 funds.
- Leverage other state or federal funds to which SANBAG might otherwise lose access.

Policy VS-34: Should Measure I reserves be used, revenue accrual within the year or revenue from the subsequent year's apportionment will be used to replenish the reserve.

V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/01/2009
1	Amended to include policies VS-31 through VS-34 establishing and maintaining a Measure I reserve.	

Attachment 2

San Bernardino Associated Governments	Policy	40013
Adopted by the Board of Directors April 1, 2009	Revised	DRAFT 7/7/10 4/1/2009
Victor Valley Major Local Highways (VVMLH) Program Measure I 2010-2040 Strategic Plan	Revision No.	1 0

Table of Contents

| Purpose | References | Definitions | Policies for the Victor Valley Major Local Highways Program | Revision History |

I. PURPOSE

The purpose of this policy is to establish the requirements for administration of the Victor Valley Major Local Highways Program for Measure I 2010-2040. The policy establishes the fund apportionment and allocation process, the equitable shares for individual jurisdictions, project eligibility, reimbursement mechanisms, limitations on eligible expenditures, and the role of SANBAG. The program will be funded by 25% of the total Measure I 2010-2040 revenue collected in the Victor Valley Subarea. This program will be used by local jurisdictions to fund Major Local Highways projects of benefit to the subarea.

II. REFERENCES

Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Exhibit A – Transportation Expenditure Plan

SANBAG Congestion Management Program

III. DEFINITIONS

Major Local Highways Projects: Major streets and highways serving as primary routes of travel within the subarea, which may include State highways and freeways, where appropriate. These funds may also be used to leverage other state and federal funds for transportation projects and to perform planning/project reports.

Development Share: The percentage share of total project cost assigned as the development contribution percentage as listed in the SANBAG Nexus Study.

Public Share – The share of project cost calculated as the total cost of the project minus the developer share.

Capital Project Needs Analysis (CPNA): A plan of projected local jurisdiction expenditures for the next five years on Major Local Highways eligible for Major Local Highways Program funds, updated annually and submitted to SANBAG by local jurisdictions. The Capital Project Needs Analysis includes anticipated funding sources, funding amounts, project phasing, and availability of development fair share funds.

IV. POLICIES FOR THE VICTOR VALLEY MAJOR LOCAL HIGHWAYS PROGRAM

A. Major Local Highways – Allocation to Eligible Projects

Policy VVMLH-1: The Major Local Highways Program of the Victor Valley Subarea shall be funded from 25% of the Measure I 2010-2040 revenue collected within the subarea. This amount shall be reserved in a special account to be expended on Major Local Highway Projects of benefit to the subarea. Major Local Highway Projects are defined as major streets and highways serving as primary routes of travel within the subarea, which may include State highways and freeways. Where

appropriate, Major Local Highway Projects funds can be utilized to leverage other state and federal funds for transportation projects and to perform advance planning/project reports.

Policy VVMLH-2: Victor Valley Major Local Highways funds shall be allocated to each jurisdiction over the 30-year life of the Measure, subject to the qualifications stated in the policies below.

- a. Each jurisdiction shall receive an approximately equivalent share of the total revenue raised by Major Local Highways Program over the life of the Measure, as adjusted to account for the time-value of money, per Policy VVMLH-4 listed below.
- b. If a jurisdiction receives proceeds from a bond sale secured by the Major Local Highways funds, then the portion of the debt service payment attributed to that jurisdiction's projects shall be counted toward that jurisdiction's equitable share percentage.
- c..Allocations shall be made with an objective of allowing projects from each jurisdiction of the subarea to be developed during each 10 year period of the Measure's life. The intent is to spread projects so that no jurisdiction has to wait until the last part of the Measure to receive benefits of Major Local Highway funds.
- d. Allocations shall be made to projects from candidate project lists, developed according to Policy VVMLH-3.
- e. Allocations may serve to maximize leveraging of private, local, federal, and State dollars, with attention to leveraging of Interregional Transportation Improvement Program Funds on the Interregional Road System in the rural areas of the Victor Valley Subarea as well.
- f. Allocations shall be made with an objective of delivering projects at the earliest possible date.
- g. SANBAG shall actively engage in planning and project delivery of Major Local Highway Projects in collaboration with local jurisdictions and Caltrans in a manner which will minimize the time and cost of project delivery.

Policy VVMLH-3: A master list of projects eligible for Victor Valley Major Local Highways Program funding shall be maintained and periodically updated. The list shall be consistent with the project eligibility criteria in Policy VVMLH-1 and shall be approved by the SANBAG Board, based on a recommendation of the Victor Valley subarea representatives and the Mountain/Desert Committee. In preparing the list, input shall be considered from each of the five local jurisdictions and from other public and private stakeholders, such as Caltrans, neighboring counties, transit agencies, federal agencies, business interests and other non-governmental organizations. The list shall represent the list of eligible projects and shall not represent a commitment by SANBAG to fund all or a portion of those projects. Funding commitments will be managed under the terms of Policy VVMLH-6 shown below.

Policy VVMLH-4: Adjustments for the time-value of money shall be based on comparisons of the net present value of Measure I Major Local Highway Program expenditures by Victor Valley jurisdictions, calculated using a discount rate based on the annual change in the Consumer Price Index for the State of California, as maintained by the California Department of Finance. The expenditure date shall be based on the date of consultant/contractor invoices provided to SANBAG for reimbursement on eligible Major Local Highways Program projects.

Policy VVMLH-5: By September 30 of each year, Victor Valley jurisdictions must submit a Five Year Capital Projects Needs Analysis (CPNA) for projects in the Victor Valley Major Local Highways Program. The CPNAs cover a five year prospective period that commences the following fiscal year. The needs analysis shall document project needs by fiscal year and include anticipated funding sources, funding amounts and project phasing where appropriate. The needs analysis shall also demonstrate the availability of the development mitigation fair share funds, where appropriate for projects in the urbanized Victor Valley. Approval of a jurisdiction's CPNA by the jurisdiction's Council/Board of Supervisors must be accommodated within the timeframe of the September 30 submittal date.

Policy VVMLH-6: The SANBAG Board of Directors shall apportion funds to the Major Local Highways Program in the Victor Valley by its February meeting, so that budget documents can be prepared for

the subsequent fiscal year, based on a recommendation of the Victor Valley subarea representatives and the Mountain/Desert Committee. The Victor Valley Subarea and Mountain/Desert Committee recommendation shall be informed by requests of Measure I funds contained in the Capital Projects Needs Analysis (CPNA), the status of equitable share percentages from prior years, SANBAG's forecast of Measure I revenue that may be available for the Major Local Highways Program, and SANBAG's assessment of opportunities for leveraging of State and federal funds. The recommendation shall include a table of project phases recommended for funding, project costs, Measure I requests, other funding sources, and the allocation of costs to jurisdictions, at a minimum. SANBAG staff shall maintain a cumulative accounting of allocations to projects by jurisdiction, adding allocations to jurisdictions' accounts each year. Measure I funds shall be retained by SANBAG until reimbursed to jurisdictions based on invoices received.

Policy VVMLH-7: Each year, SANBAG staff will compile a list of each jurisdiction and the cumulative amount of Major Local Highway funds received for projects. This list will be used by members of the subarea and the Mountain/Desert Committee to make their allocation recommendation to the SANBAG Board of Directors.

Policy VVMLH-8: Equitable shares may be adjusted based on annexation of unincorporated areas into a city or the incorporation of previously unincorporated areas into a new city.

B. Development Fair Share Contribution

Policy VVMLH-9: Development Fair Share Contribution is required by Measure I 2010-2040 for Major Local Highway Projects covered under the Development Mitigation Nexus Study for the urbanized areas or a Traffic Impact Analysis in the non-urban areas, excluding any eligible freeway mainline projects. Development fair share for arterials, interchanges and railroad grade crossings are determined by the most recent version of the Nexus Study adopted by the SANBAG Board of Directors in the urbanized Victor Valley or by a Traffic Impact Analysis as required by the SANBAG Congestion Management Program in the non-urbanized areas.

Policy VVMLH-10: Jurisdictions may borrow from other internal accounts (i.e. within their own jurisdictions) to fund the required development fair share for projects. The internal accounts shall be reimbursed by development mitigation as development occurs..

C. Cost Reimbursement

Policy VVMLH-11: The Major Local Highway program shall be administered as a cost reimbursement program. Sponsoring agencies shall enter into Project Funding Agreements with SANBAG prior to receiving authorization from SANBAG to expend funds. Following the authorization to expend funds, the sponsoring agency may incur expenses for the components of the project identified in the scope of work included in the Project Funding Agreement.

Policy VVMLH-12: On an exception basis and subject to SANBAG Board approval, the advanced reimbursement of anticipated expenses may be permissible. Only the right-of-way and construction phases are eligible and are subject to the conditions stated below.

- **Right-of-way:** Only right-of-way transactions in excess of \$500,000 shall be considered for advance reimbursement. The advanced reimbursement shall be based on an accepted written appraisal or sales contract. Adjustments to this estimate based on actual costs shall be reconciled with SANBAG within 30 days of close of escrow and subject to the provisions governing right-of-way purchase established in Policy VVMLH-23.
- **Construction:** The advanced reimbursement shall be based on an awarded construction contract in excess of \$10,000,000. The amount to be advanced to the local jurisdiction shall not be greater than 10% of the public share of total project cost or of three months estimated peak burn rate for the project, whichever is less. The advanced reimbursement shall be used to help provide liquidity to the local jurisdiction for payment to the contractor and shall be reconciled at the end of the construction phase of the project. SANBAG shall reimburse jurisdiction invoices, in addition to the advanced reimbursement amount, until the public share amount remaining in the contract is equivalent to the advanced reimbursement, after which the advanced reimbursement shall satisfy SANBAG reimbursement requirements.

Policy VVMLH-13: A local jurisdiction may begin expenditure of funds following the execution of the Project Funding Agreement. The Project Funding Agreement shall include the scope of work for a project or project phase and a commitment to provide the development share of the funding through all the phases of the project, as required by Policy VVMLH-9. The Project Funding Agreement shall be executed by the local jurisdiction and SANBAG prior to the expenditure of funding on any phase of the project. Local jurisdictions shall not be reimbursed for any costs incurred prior to the execution of the Project Funding Agreement.

Policy VVMLH-14: Local jurisdictions that desire to deliver a Major Local Highway project to which funds cannot be allocated in a given year shall be eligible for reimbursement through an Advance Expenditure Agreement.

D. Local Jurisdiction Invoices

Policy VVMLH-15: Local jurisdictions shall submit invoices to SANBAG for actual expenditures incurred for components of a project as identified in the scope of work included in the Project Funding Agreement. Invoices may be submitted to SANBAG no more frequently than monthly.

Policy VVMLH-16: Local jurisdictions shall provide adequate documentation to substantiate the costs included in the invoice. At a minimum, the jurisdiction must submit the invoice provided by the contractor to the agency, which shall include unit costs, quantities, labor rates and other documentation, as appropriate, to substantiate expenses incurred by the contractor.

Policy VVMLH-17: The sponsoring agency shall be reimbursed for the actual project costs minus the development mitigation fair share percentage documented in the SANBAG Development Mitigation Nexus Study, up to the limit of Measure I Major Local Highway funding specified in the Project Funding Agreement.

E. Local Jurisdiction Reimbursement Schedule

Policy VVMLH-18: SANBAG shall reimburse the local jurisdiction for eligible expenditures within 30 days of receiving a complete and satisfactory invoice package.

F. Development Mitigation Fair Share Credit Agreements

Policy VVMLH-19: Local jurisdictions and developers shall be allowed to enter into credit agreements or other arrangements approved by the City Council/Board of Supervisors. Such agreements will be strictly between the local jurisdiction and the developer. Jurisdictions are advised to provide these credit agreements to SANBAG for review to ensure they are structured in a way that will adequately document private share costs for which the jurisdiction desires credit.

Policy VVMLH-20: A copy of the credit agreement or other arrangement and invoices to substantiate quantities and unit costs for a Nexus Study project included in a credit agreement or other arrangement shall be provided when a local jurisdiction submits an invoice for reimbursement.

Policy VVMLH-21: Local jurisdictions that submit an invoice involving a credit agreement or other arrangement shall separate the development mitigation portion of construction costs from any non-development mitigation portion of the development project in a verifiable fashion.

Policy VVMLH-22: Reimbursement shall occur for only the public share of the Nexus Study project costs

G. Ineligible Expenditures

Policy VVMLH-23: The following costs are ineligible for reimbursement:

- Additional environmental or architectural enhancement not required as part of the mitigation established in the environmental document(s) prepared for a project.
- Project oversight costs, with the exception of construction support costs
- Property acquired through the right-of-way acquisition process that is not required for the actual construction of a project. SANBAG will either:
 1. Reimburse the jurisdiction for the public share of the portion of the property acquisition required for the project, with the "project portion" calculated as the sales price times the percentage of the acreage actually required for the project, or

2. At the request of the jurisdiction, reimburse based on the difference between the total sales price of the parcel and the residual value of the excess land not needed for the construction of the project, as determined by a qualified appraisal.
- Additional project scope not included in the Project Funding Agreement between the sponsoring agency and SANBAG, except when SANBAG and the local agency mutually agree to a project scope change and amend the Project Funding Agreement.

H. Construction Cost Overruns

Policy VVMLH-24: Jurisdictions shall bear full responsibility for construction cost overruns, which is established as any amount in excess of the total cost of the accepted bid and contingencies up to 10% of the construction bid. On an exception basis, SANBAG and the local jurisdiction may agree to the modification of the project scope, and the jurisdiction may be reimbursed for the public share of the additional costs pursuant to an amendment to the Project Funding Agreement. On an exception basis, SANBAG and the local jurisdiction may agree to the modification of the project scope, and the jurisdiction may be reimbursed for the public share of the additional costs pursuant to an amendment to the Project Funding Agreement.

I. SANBAG Project Management

Policy VVMLH-25: SANBAG may manage development and delivery of Major Local Highway projects when requested to do so by the sponsoring jurisdiction. In such cases, SANBAG's costs for project management shall be borne by the sponsoring agency.

Policy VVMLH-26: The following conditions are established for projects under SANBAG project management:

- The sponsoring agency must submit a written request for SANBAG oversight of the project
- SANBAG staff or SANBAG consultants must have available staff resources for project management
- The sponsoring agency shall pay actual SANBAG project oversight costs, to be estimated in advance by SANBAG, as documented by the SANBAG financial management system.

J. Cost Buy-down for Projects with a Development Share Contribution

Policy VVMLH-27: State, federal, or private funds may be used to buy down either the total cost of a project, the public share of the project cost, or the development share of the project cost based on the following criteria:

1. Funds that buy down the total cost of the project (after which the development fair share percentage is applied) include State grants and Federal Congressional earmarks (through appropriations process, competition, etc.) from transportation sources that are not allocated or approved by SANBAG (e.g., IM, Demo, TEA (Caltrans allocation), TCRP with local agency listed as lead, PUC, HBRR, and railroad contributions).
2. Funds considered part of the public share of the project cost include apportionments or allocations of State or federal transportation funds to SANBAG for funding of projects, whether managed by SANBAG or local agency (e.g., TCRP and PNRS for Alameda Corridor East, CMIA, TCIF, SLPP), and State allocation and Federal apportionment by SANBAG (e.g., STIP, CMAQ, STP, TEA (SANBAG Allocation), TDA).
3. Funds that buy down the development share of the project cost include other state or federal appropriations of funding to a project from a non-transportation source (e.g., HUD, BIA, DOD).

K. Measure I Reserve

Policy VVMLH-28: SANBAG shall budget for a reserve for the Victor Valley subarea equivalent to 20% of the annual Measure I revenue from the Victor Valley Major Local Highways Program.

Policy VVMLH-29: The 20% reserve shall be established with the first year of Measure I 2010-2040 apportionment, and escalated annually to remain proportional to the growth in annual Measure I revenue.

Policy VVMLH-30: The reserve may be used to:

- **Advance federal or state funds that require reimbursement.**
- **Manage cash flow for the Victor Valley Major Local Highways Program.**
- **Cover unforeseen expenses associated with projects that received an allocation of Measure I 2010-2040 funds.**
- **Leverage other state or federal funds to which SANBAG might otherwise lose access.**

Policy VVMLH-31: Should Measure I reserves be used, revenue accrual within the year or revenue from the subsequent year's apportionment will be used to replenish the reserve.

V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/01/2009
1	Amended to include policies VVMLH-28 through VVMLH-31 establishing and maintaining a Measure I reserve.	

Attachment 3

San Bernardino Associated Governments	Policy	40017
Adopted by the Board of Directors April 1, 2009	Revised	DRAFT 7/7/10 4/1/2009
Rural Mountain/Desert Subareas Major Local Highways (MDMLH) Program Measure I 2010-2040 Strategic Plan	Revision No.	1 0

Table of Contents

| Purpose | References | Definitions | Policies for the Rural Mountain/Desert Subareas Major/Local Highways Program | Revision History |

I. PURPOSE

The purpose of this policy is to establish the requirements for administration of the Colorado River, Morongo Basin, Mountain, and North Desert Subareas Major/Local Highways Program for Measure I 2010-2040. The policy establishes the fund apportionment and allocation process, project eligibility, reimbursement mechanisms, limitations on eligible expenditures, and the role of SANBAG. The program will be funded by 25% of the total Measure I 2010-2040 revenue collected in each rural Mountain/Desert subarea. Each rural Mountain/Desert Major Local Highway program will be used by local jurisdictions to fund projects of benefit to the subarea.

II. REFERENCES

Ordinance No. 04-01 of the San Bernardino County Transportation Authority, Exhibit A – Transportation Expenditure Plan

III. DEFINITIONS

Major Local Highways Projects: Major streets and highways serving as primary routes of travel within the subarea, which may include State highways and freeways, where appropriate. These funds may also be used to leverage other state and federal funds for transportation projects and to perform planning/project reports.

Development Share: The percentage share of total project cost assigned as the development contribution percentage as listed in the SANBAG Nexus Study.

Public Share – The share of project cost calculated as the total cost of the project minus the developer share.

IV. POLICIES FOR THE RURAL MOUNTAIN/DESERT SUBAREAS MAJOR/LOCAL HIGHWAYS PROGRAM

A. Major/Local Highways Allocation

Policy MDMLH-1 - The Major/Local Highways Program of the Rural Mountain/Desert Subareas shall be funded from 25% of the Measure I 2010-2040 revenue collected within the subareas. This amount shall be reserved in a special account to be expended on Major/Local Highway Projects of benefit to the subareas. Major/Local Highway Projects are defined as major streets and highways serving as primary routes of travel within each of the subareas, which may include State highways and freeways. Where appropriate, Major/Local Highway Projects funds can be utilized to leverage other state and federal funds for transportation projects and to perform advance planning/project reports.

Policy MDMLH-2 - Major/Local Highways funds shall be allocated to each jurisdiction over the 30-year life of the Measure, subject to the qualifications stated in the policies below.

- a. Allocations through the term of the Measure shall be made factoring in geographic equity throughout the subarea as adjusted to account for the time-value of money, per Policy MDMLH-4 listed below.
- b. Allocations shall be made to projects from candidate project lists developed in cooperation with transportation planning partners.
- c. Allocations should serve to maximize leveraging of private, local, Federal, and State dollars, with particular attention to leveraging of Interregional Transportation Improvement Program Funds on the Interregional Road System.
- d. Allocations shall be made with an objective of delivering projects at the earliest possible date.
- e. SANBAG shall actively engage in planning and project delivery of Major/Local highway Projects in collaboration with local jurisdictions and Caltrans in a manner which will minimize the time and cost of project delivery.

Policy MDMLH-3 - A master list of projects eligible for Major/Local Highways Program funding shall be maintained and periodically updated by each subarea. The list shall be consistent with the project eligibility criteria in Policy MDMLH-1 and shall be approved by the SANBAG Board, based on a recommendation of the subarea representatives and the Mountain/Desert Committee. In preparing the list for each subarea, input shall be considered from the local jurisdictions and from other public and private stakeholders, such as Caltrans, neighboring counties, transit agencies, federal agencies, business interests and other non-governmental organizations. The list shall represent the list of eligible projects and shall not represent a commitment by SANBAG to fund all or a portion of those projects. Funding commitments will be managed under the terms of Policy MDMLH-6 shown below.

Policy VVMLH-4 - Adjustments for the time-value of money referenced in shall be based on comparisons of the net present value of Measure I Major/Local Highway Program expenditures by jurisdiction, calculated using a discount rate based on the annual change in the Consumer Price Index for Southern California, as maintained by the California Department of Finance. The expenditure date shall be based on the date of consultant/contractor invoices provided to SANBAG for reimbursement on eligible Major/Local Highways Program projects.

Policy MDMLH-5 - By September 30 of each year, jurisdictions desiring an allocation of Measure I MLH funds should submit a written request to SANBAG specifying the scope of the project and the requested amount, and other sources required to fully fund the projects, including development mitigation funds. The project for which a request is made must be included on the master list referenced in Policy MDMLH-3. This request will be transmitted by SANBAG to subarea representatives, who will then consider the request and make a recommendation to the Mountain/Desert Committee. The Mountain/Desert Committee shall consider the request and make a recommendation to the SANBAG Board in time for the Board's consideration for the annual apportionment and allocation process in February and March of each year. Jurisdictions in the Rural Mountain/Desert Subareas may make such requests at any time, but sequencing the request with the annual apportionment process is preferred.

Policy MDMLH-6 - The SANBAG Board of Directors shall apportion funds to the Major Local Highways Program in the rural Mountain/Desert subareas by its February meeting, so that budget documents can be prepared for the subsequent fiscal year, based on a recommendation of the subarea representatives and the Mountain/Desert Committee. The subarea and Mountain/Desert Committee recommendation shall be informed by requests of Measure I funds, the status of equitable share percentages from prior years, SANBAG's forecast of Measure I revenue that may be available for the Major/Local Highways Program, and SANBAG's assessment of opportunities for leveraging of State and federal funds. The recommendation shall include a table of project phases recommended for funding, project costs, Measure I requests, other funding sources, and the allocation of costs to jurisdictions, at a minimum. SANBAG staff shall maintain a cumulative accounting of allocations to projects by jurisdiction, adding allocations to jurisdictions' accounts each year. Measure I funds shall be retained by SANBAG until reimbursed to jurisdictions based on invoices received.

B. Development Fair Share Contribution

Policy MDMLH-7 - Contributions from new development are required by Measure I 2010-2040 for Major/Local Highway Projects that have development mitigation identified by a Traffic Impact Analysis, excluding any eligible freeway mainline projects. Each jurisdiction in these subareas is required to submit a Traffic Impact Analysis for development projects in their community. The Traffic Impact Analysis must be prepared in accordance with the guidelines found in Exhibit C of the SANBAG Congestion Management Plan. The Traffic Impact Analysis will determine what, if any, development mitigation is required to be collected and applied toward Major/Local Highway Projects.

Jurisdictions may also elect to determine development mitigation requirements by sponsoring an amendment to the SANBAG Nexus Study. The Nexus Study must be done with the agreement of all jurisdictions in the subarea. If this method is chosen, then the Nexus Study will list the eligible projects and the required amounts of development mitigation.

Policy MDMLH-8 - Jurisdictions may borrow from other internal accounts (i.e. within their own jurisdictions) to fund the required development fair share for projects. The internal accounts shall be reimbursed by development mitigation as development occurs..

C. Cost Reimbursement

Policy MDMLH-9 - The Major/Local Highway program shall be administered as a cost reimbursement program. Sponsoring agencies shall enter into Project Funding Agreements with SANBAG prior to receiving authorization from SANBAG to expend funds. Following the authorization to expend funds, the sponsoring agency may incur expenses for the components of the project identified in the scope of work included in the Funding Agreement.

Policy MDMLH-10 - On an exception basis and subject to SANBAG Board approval, the advanced reimbursement of anticipated expenses may be permissible. Only the right-of-way and construction phases are eligible and are subject to the conditions stated below.

- Right-of-way: Only right-of-way transactions in excess of \$500,000 shall be considered for advance reimbursement. The advanced reimbursement shall be based on an accepted written appraisal or sales contract. Adjustments to this estimate based on actual costs shall be reconciled with SANBAG within 30 days of close of escrow and subject to the provisions governing right-of-way purchase established in Policy MDMLH-20.
- Construction: The advanced reimbursement shall be based on an awarded construction contract in excess of \$10,000,000. The amount to be advanced to the local jurisdiction shall not be greater than 10% of the public share of total project cost or of three months estimated peak burn rate for the project, whichever is less. The advanced reimbursement shall be used to help provide liquidity to the local jurisdiction for payment to the contractor and shall be reconciled at the end of the construction phase of the project. SANBAG shall reimburse jurisdiction invoices, in addition to the advanced reimbursement amount, until the public share amount remaining in the contract is equivalent to the advanced reimbursement, after which the advanced reimbursement shall satisfy SANBAG reimbursement requirements.

Policy MDMLH-11 - A local jurisdiction may begin expenditure of funds following the execution of the Project Funding Agreement. The Project Funding Agreement shall include the scope of work for a project or project phase and a commitment to provide the development share of the funding through all the phases of the project, as required by Policy MDMLH-7. The Project Funding Agreement shall be executed by the local jurisdiction and SANBAG prior to the expenditure of funding on any phase of the project. Local jurisdictions shall not be reimbursed for any costs incurred prior to the execution of the Project Funding Agreement.

Policy MDMLH-12 - Local jurisdictions that desire to deliver a Major/Local Highway Project to which funds cannot be allocated in a given year shall be eligible for reimbursement through an Advance Expenditure Agreement.

D. Local Jurisdiction Invoices

Policy MDMLH-13 - Local jurisdictions shall submit invoices to SANBAG for actual expenditures incurred for components of a project as identified in the scope of work included in the Project Funding Agreement. Invoices may be submitted to SANBAG no more frequently than monthly.

Policy MDMLH-14 - Local jurisdictions shall provide adequate documentation to substantiate the costs included in the invoice. At a minimum, the jurisdiction must submit the invoice provided by the contractor to the agency, which shall include unit costs, quantities, labor rates and other documentation, as appropriate, to substantiate expenses incurred by the contractor.

Policy MDMLH-15 - The sponsoring agency shall be reimbursed for the actual project costs minus the development mitigation fair share amount documented in the SANBAG Development Mitigation Nexus Study or in the Traffic Impact Analysis completed under the terms of the SANBAG Congestion Management Plan, up to the limit of Measure I Major/Local Highway funding specified in the Project Funding Agreement.

E. Local Jurisdiction Reimbursement Schedule

Policy MDMLH-16 - SANBAG shall reimburse the local jurisdiction for eligible expenditures within 30 days of receiving a complete and satisfactory invoice package.

F. Development Mitigation Fair Share Credit Agreements

Policy MDMLH-17 - Local jurisdictions and developers shall be allowed to enter into credit agreements. Such agreements will be strictly between the local jurisdiction and the developer. Jurisdictions are advised to provide these credit agreements to SANBAG for review to ensure they are structured in a way that will adequately document private share costs for which the jurisdiction desires credit.

Policy MDMLH-18 - A copy of the credit agreement and invoices to substantiate quantities and unit costs for a project included in a credit agreement shall be provided when a local jurisdiction submits an invoice for reimbursement.

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G. Ineligible Expenditures

Policy MDMLH-20 - The following costs are ineligible for reimbursement:

- Additional environmental or architectural enhancement not required as part of the mitigation established in the environmental document(s) prepared for a project.
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- Property acquired through the right-of-way acquisition process that is not required for the actual construction of a project. SANBAG will either:
 1. Reimburse the jurisdiction for the public share of the portion of the property acquisition required for the project, with the "project portion" calculated as the sales price times the percentage of the acreage actually required for the project, or
 2. At the request of the jurisdiction, reimburse based on the difference between the total sales price of the parcel and the residual value of the excess land not needed for the construction of the project, as determined by a qualified appraisal.
- Additional project scope not included in the Project Funding Agreement between the sponsoring agency and SANBAG except when SANBAG and the local agency mutually agree to a project scope change and amend the Project Funding Agreement.

H. Construction Cost Overruns

Policy MDMLH-21 - Jurisdictions shall bear full responsibility for construction cost overruns, which is established as any amount in excess of the total cost of the accepted bid and contingencies up to 10% of the construction bid. On an exception basis, SANBAG and the local jurisdiction may agree to the modification of the project scope, and the jurisdiction may be reimbursed for the public share of the additional costs pursuant to an amendment to the Project Funding Agreement. On an exception basis, SANBAG and the local jurisdiction may agree to the modification of the project scope, and the jurisdiction may be reimbursed for the public share of the additional costs pursuant to an amendment to the Project Funding Agreement.

I. SANBAG Project Management

Policy MDMLH-22 - SANBAG may manage development and delivery of Major/Local Highway projects when requested to do so by the sponsoring jurisdiction. In such cases, SANBAG's costs for project oversight shall be borne by the sponsoring agency.

Policy MDMLH-23 - The following conditions are established for projects under SANBAG project management:

- The sponsoring agency must submit a written request for SANBAG oversight of the project.
- SANBAG staff or SANBAG consultants must have available staff resources for project management.
- The sponsoring agency shall pay actual SANBAG project oversight costs, to be estimated in advance by SANBAG, as documented by the SANBAG financial management system.

J. Measure I Reserve

Policy MDMLH-24: SANBAG shall budget for a reserve for the each rural mountain/desert subarea equivalent to 20% of the annual Measure I revenue from each Major Local Highways Program.

Policy MDMLH-25: The 20% reserve shall be established with the first year of Measure I 2010-2040 apportionment, and escalated annually to remain proportional to the growth in annual Measure I revenue.

Policy MDMLH-26: The reserve may be used to:

- **Advance federal or state funds that require reimbursement.**
- **Manage cash flow for each Major Local Highways Program.**
- **Cover unforeseen expenses associated with projects that received an allocation of Measure I 2010-2040 funds.**
- **Leverage other state or federal funds to which SANBAG might otherwise lose access.**

Policy MDMLH-27: Should Measure I reserves be used, revenue accrual within the year or revenue from the subsequent year's apportionment will be used to replenish the reserve.

V. REVISION HISTORY

Revision No.	Revisions	Adopted
0	Adopted by the Board of Directors.	04/01/2009
1	Amended to include policies MDMLH-24 through MDMLH-27 establishing and maintaining a Measure I reserve.	

- San Bernardino County Transportation Commission ■ San Bernardino County Transportation Authority
■ San Bernardino County Congestion Management Agency ■ Service Authority for Freeway Emergencies

Minute Action

AGENDA ITEM: 6

Date: June 9, 2010

Subject: Allocation of Local Transportation Funds (LTF) and State Transit Assistance Funds (STA) for Fiscal Year 2010/2011

Recommendation:* Adopt Resolution 11-001 authorizing the allocation of Local Transportation Funds (LTF) and State Transit Assistance Funds (STA) for Fiscal Year 2010/2011.

Background: Section 99214 of the California Public Utilities Code designates the San Bernardino County Transportation Commission as the regional transportation planning agency for the purpose of administering the Transportation Development Act funds (LTF and STA). This responsibility includes the adoption of the LTF apportionments, approval of all LTF and STA claims, issuance of LTF and STA allocation and disbursement instructions.

Section 6659 and Section 6753 of the California Code of Regulations (CCR) requires the adoption of a resolution authorizing the issuance of LTF and STA allocation instructions, respectively.

The attached Resolution 11-001 fulfills the requirement of CCT Section 6659 and Section 6753.

Approved
Administrative Committee

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

ADM1006d-rpg
50210000
Attachment:
RES11001-rpg

Financial Impact: This item is consistent with the adopted Fiscal Year 2010/2011 SANBAG Budget. Adoption of the resolution by the Board will authorize the issuance of LTF and STA allocation instructions for the commission's TDA administration functions, transportation planning and programming functions and commuter rail operating and capital assistance as approved in the Fiscal Year 2010/2011 Budget.

Reviewed By: This item is scheduled for review by the Administrative Committee on June 9, 2010.

Responsible Staff: Ryan Graham, Transit Planning Analyst

RESOLUTION NO. 11-001

**RESOLUTION OF THE
SAN BERNARDINO COUNTY TRANSPORTATION COMMISSION
AUTHORIZING THE ALLOCATION OF
LOCAL TRANSPORTATION FUNDS AND
STATE TRANSIT ASSISTANCE FUNDS
FOR FISCAL YEAR 2010/2011**

WHEREAS, the San Bernardino County Transportation Commission is the designated transportation planning agency for the administration of the Transportation Development Act funds within San Bernardino County; and

WHEREAS, the Southern California Association of Governments (SCAG) Executive Committee has adopted a Regional Transportation Plan (RTP) directed toward the achievement of a coordinated and balanced transportation system; and

WHEREAS, the Board of Directors has adopted a Subregional Transportation Improvement Program including planned expenditures of transportation funds, including Local Transportation Funds and State Transit Assistance Funds; and

WHEREAS, claims may be submitted under the Transportation Development Act for allocations from the Local Transportation Fund and State Transit Assistance Funds consistent with the adopted plans, programs and apportionments;

NOW THEREFORE BE IT RESOLVED that the Board of Directors of the San Bernardino County Transportation Commission hereby approves the allocation of Local Transportation Funds and State Transit Assistance Funds for Fiscal Year 2010/2011 subject to those claims conforming to adopted apportionments and all other requirements of the Transportation Development Act, including but not limited to the following findings:

1. The claimant's proposed expenditures are in conformity with the Regional Transportation Plan.
2. The level of passenger fares and charges is sufficient to enable the operator or transit service claimant to meet the applicable fare revenue to operating expense (operating ratio) requirements.
3. The claimant is making full use of federal funds available pursuant to the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU).
4. The sum of the claimant's allocations from the State Transit Assistance Funds and Local Transportation Fund does not exceed the amount the claimant is eligible to receive during the fiscal year.

5. Priority consideration has been given to claims to offset reductions in federal operating assistance and the unanticipated increase in the cost of fuel, to enhance existing public transportation services, and to meet high priority regional, countywide, or area wide public transportation needs.
6. The claimant has made reasonable effort to implement the productivity improvements recommended pursuant to Public Utilities Code 99244, including the specific reference to the improvements recommended and the efforts made by the claimant to implement them.
7. The claimant submits a certification issued by the Department of California Highway Patrol within the last 13 months verifying that the claimant is in compliance with Section 1808.1 of the Vehicle Code (Drivers Pull Notice Program), as required by Public Utilities Code 99251.
8. The claimant is in compliance with the qualifying criteria pursuant to Public Utilities Code Section 99314.6 (use of STA for operating purposes).
9. The transportation services contracted for under Public Utilities Code 99400(c) are responding to a transportation need not otherwise being met within the community or jurisdiction of the claimant and that where appropriate, the services are coordinated with the existing transportation service.

BE IT FURTHER RESOLVED that such approval does not include allocations for local street and roads unless the provisions of Sections 99401.5 and 99401.6 of the Public Utilities Code have been met; and

BE IT FURTHER RESOLVED that the Executive Director or her designee is authorized to transmit allocation instructions to the San Bernardino County Auditor/Controller, having first determined that the required allocation meets all requirements of this Resolution and the Transportation Development Act.

Approved by the Board of Directors of the San Bernardino County Transportation Commission at its regular meeting thereof held this 7th day of July 2010.*

*Approved
Board of Directors*

Date: _____

Moved: _____ *Second:* _____

In Favor: _____ *Opposed:* _____ *Abstained:* _____

Witnessed: _____

This list provides information on acronyms commonly used by transportation planning professionals. This information is provided in an effort to assist SANBAG Board Members and partners as they participate in deliberations at SANBAG Board meetings. While a complete list of all acronyms which may arise at any given time is not possible, this list attempts to provide the most commonly-used terms. SANBAG staff makes every effort to minimize use of acronyms to ensure good communication and understanding of complex transportation processes.

AB	Assembly Bill
ACE	Alameda Corridor East
ACT	Association for Commuter Transportation
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic
APTA	American Public Transportation Association
AQMP	Air Quality Management Plan
ARRA	American Recovery and Reinvestment Act
ATMIS	Advanced Transportation Management Information Systems
BAT	Barstow Area Transit
CALACT	California Association for Coordination Transportation
CALCOG	California Association of Councils of Governments
CALSAFE	California Committee for Service Authorities for Freeway Emergencies
CARB	California Air Resources Board
CEQA	California Environmental Quality Act
CMAQ	Congestion Mitigation and Air Quality
CMIA	Corridor Mobility Improvement Account
CMP	Congestion Management Program
CNG	Compressed Natural Gas
COG	Council of Governments
CPUC	California Public Utilities Commission
CSAC	California State Association of Counties
CTA	California Transit Association
CTC	California Transportation Commission
CTC	County Transportation Commission
CTP	Comprehensive Transportation Plan
DBE	Disadvantaged Business Enterprise
DEMO	Federal Demonstration Funds
DOT	Department of Transportation
EA	Environmental Assessment
E&D	Elderly and Disabled
E&H	Elderly and Handicapped
EIR	Environmental Impact Report (California)
EIS	Environmental Impact Statement (Federal)
EPA	Environmental Protection Agency
FHWA	Federal Highway Administration
FSP	Freeway Service Patrol
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
FTIP	Federal Transportation Improvement Program
GFOA	Government Finance Officers Association
GIS	Geographic Information Systems
HOV	High-Occupancy Vehicle
ICTC	Interstate Clean Transportation Corridor
IEEP	Inland Empire Economic Partnership
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991
IIP/ITIP	Interregional Transportation Improvement Program
ITS	Intelligent Transportation Systems
IVDA	Inland Valley Development Agency
JARC	Job Access Reverse Commute
LACMTA	Los Angeles County Metropolitan Transportation Authority
LNG	Liquefied Natural Gas
LTF	Local Transportation Funds

SANBAG Acronym List

MAGLEV	Magnetic Levitation
MARTA	Mountain Area Regional Transportation Authority
MBTA	Morongo Basin Transit Authority
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MOU	Memorandum of Understanding
MPO	Metropolitan Planning Organization
MSRC	Mobile Source Air Pollution Reduction Review Committee
NAT	Needles Area Transit
NEPA	National Environmental Policy Act
OA	Obligation Authority
OCTA	Orange County Transportation Authority
PA&ED	Project Approval and Environmental Document
PASTACC	Public and Specialized Transportation Advisory and Coordinating Council
PDT	Project Development Team
PNRS	Projects of National and Regional Significance
PPM	Planning, Programming and Monitoring Funds
PSE	Plans, Specifications and Estimates
PSR	Project Study Report
PTA	Public Transportation Account
PTC	Positive Train Control
PTMISEA	Public Transportation Modernization, Improvement and Service Enhancement Account
RCTC	Riverside County Transportation Commission
RDA	Redevelopment Agency
RFP	Request for Proposal
RIP	Regional Improvement Program
RSTIS	Regionally Significant Transportation Investment Study
RTIP	Regional Transportation Improvement Program
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agencies
SB	Senate Bill
SAFE	Service Authority for Freeway Emergencies
SAFETEA-LU	Safe Accountable Flexible Efficient Transportation Equity Act – A Legacy for Users
SCAB	South Coast Air Basin
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCRRA	Southern California Regional Rail Authority
SHA	State Highway Account
SHOPP	State Highway Operations and Protection Program
SOV	Single-Occupant Vehicle
SRTP	Short Range Transit Plan
STAF	State Transit Assistance Funds
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
TAC	Technical Advisory Committee
TCIF	Trade Corridor Improvement Fund
TCM	Transportation Control Measure
TCRP	Traffic Congestion Relief Program
TDA	Transportation Development Act
TEA	Transportation Enhancement Activities
TEA-21	Transportation Equity Act for the 21 st Century
TMC	Transportation Management Center
TMEE	Traffic Management and Environmental Enhancement
TSM	Transportation Systems Management
TSSDRA	Transit System Safety, Security and Disaster Response Account
USFWS	United States Fish and Wildlife Service
VCTC	Ventura County Transportation Commission
VVTA	Victor Valley Transit Authority
WRCOG	Western Riverside Council of Governments

San Bernardino Associated Governments



MISSION STATEMENT

To enhance the quality of life for all residents, San Bernardino Associated Governments (SANBAG) will:

- Improve cooperative regional planning
- Develop an accessible, efficient, multi-modal transportation system
- Strengthen economic development efforts
- Exert leadership in creative problem solving

To successfully accomplish this mission, SANBAG will foster enhanced relationships among all of its stakeholders while adding to the value of local governments.

Approved June 2, 1993
Reaffirmed March 6, 1996